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 RMR-5-115  
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Alan Kunz

09/13/2004 01:52 PM  
 PDT

To: Mitzl Thornley/YOSE/NPS@NPS

cc:  
 Subject: Attn: MRP Scoping: FoYV/MERG Scoping Comments on Merced River Plan

----- Forwarded by Alan Kunz/YOSE/NPS on 09/13/2004 01:55 PM -----



To: yose\_planning@nps.gov

Subject: Attn: MRP Scoping: FoYV/MERG Scoping Comments on Merced River Plan

ATTN: MRP Scoping: FoYV/MERG Scoping Comments on Merced River Plan/SEIS

Friends of Yosemite Valley

MERG (Mariposans for Environmentally Responsible Growth)  
 Mariposa, CA

Superintendent Tollefson  
 Yosemite National Park  
 PO Box 577  
 Yosemite, CA 95389  
 FAX 209 379 1294

**RE: FoYV/MERG Scoping Comments on Merced River Plan/SEIS**

Superintendent Tollefson:

As a result of FoYV/MERGS' 4 year work to get a truly protective Comprehensive Management Plan (CMP) for the Merced Wild and Scenic River as required by the Wild and Scenic Rivers Act, the court ordered the Merced River Plan to be redone or revised. Thus the National Park Service has opened the Merced River Plan for revision; projects in the Yosemite Valley Plan, which tier from the illegal and unprotective River Plan, need to be revisited based on a valid CMP for the Merced River.

**1) PRIORITY OF WSRA:** A river is designated Wild and Scenic based on specific outstanding values which are known as the "outstandingly remarkable values" (ORVs) of the River. The Wild and Scenic Rivers Act (WSRA) **requires protection and enhancement** of these identified values

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of the River for which it was designated Wild and Scenic. It does NOT allow for uses which degrade the ORVs.

The Act places primary emphasis on protecting the river's esthetic, scenic, historic, archaeologic, and scientific features.

**2) BASE RIVER PLAN ON ORVs:** The Merced River Plan must be BASED on protecting and enhancing the Outstandingly Remarkable Values (ORVs) of the Merced River. The Merced is a designated Wild and Scenic River. The Wild and Scenic Rivers Act (WSRA) mandates that the Rivers Values not only be PROTECTED, but also ENHANCED! If this plan once again fails to truly protect the River's values, the plan will again be a failure.

Start the planning process with identifying where each ORVs occurs (eg not merely where an animal nests, but its range and the plants, other animals, river processes, and so on upon which it relies and with which it interacts), what it is affected by (eg River backwaters, tributaries, other animals, plants, noise, proximity to lodging, night-lights), what it effects, and so on, and build the plan from that essential picture and platform.

FoYV has suggested to the River Plan planning team that they put a large sign up over the table at which they meet stating, "IT'S THE ORVs".

### **3) SCOPE OF SCOPING AND INTERRELATIONSHIP OF USER CAPACITY TO "ZONING" AND OTHER MANAGEMENT ELEMENTS:**

NPS is improperly attempting to limit the scope of scoping comments by stating in their scoping period announcements that they will not revisit River Plan management elements other than user capacity and El Portal District boundaries.

**\* The National Park Service's (NPS) determination on user capacity and boundaries in El Portal cannot be made in isolation and then simply inserted into the old Merced River Plan. Rather, decisions about capacity and boundaries must be integrated into a new or revised CMP and considered in combination with other management elements, which may need to be revised, or revisited to meet the Park Service's duty to protect and enhance ORVs. For example, the amount of use an area can sustain is linked to how the resource is to be used.**

\* The Appeals Court ruled, "While we remanded to 'the district court to enter an appropriate order requiring the [National Park Service] to remedy these deficiencies [user capacity and El Portal area boundaries] in the CMP [Merced River Plan] in a timely manner,' *id.* At 803, we did not 'otherwise uphold the [CMP].' "

\* Scoping is supposed to be taking a **fresh look**. We invite NPS to join together with the concerned public to use this opportunity to cut through the veil of bureaucracy and NPS management's current view of visitors as "customers," and instead forge this plan around real protection for the Merced River's Values. Rather than continuing to be driven by predetermined Yosemite Valley Plan development projects and inappropriate goals -- such as bringing the

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amenities and experiences of suburbia and resorts to Yosemite and the visitor experience focus on the purpose of the Wild and Scenic River Act to truly protect Yosemite's Merced River. YOSEMITE NATIONAL PARK

\* **Rethinking** the River Protection Overlay; the invalid plan's "zoning program;" and the Section 7 determination process, as presented in the old Merced River Plan, is critical to upholding a protective user capacity. Other management methods than the two former, would be more appropriate and protective.

\* The so-called "**River Protection Overlay**" **does not protect** the River despite its Orwellian name. It allows for roads, building, maintenance and storage areas (such as in Wawona at the South Fork of the Merced) under the rubric of Administrative uses. We need to remind the NPS that the full quarter mile of the River Wild and Scenic corridor is supposed to be protected. We need to remind the NPS that the ORVs outside the WSR corridor, as stated also by NPS in legal briefs, also need to be protected.

\* **The "Zoning" management tool needs to be thrown out.** It is not based on the River's ORVs and it is not protective of the ORVs. If the revised River Plan still contains the zoning management element, it will not be based on the ORVs and the plan will once again not be a protective plan. The Merced River, and its ORVs, is a national treasure, not a grid on a planning use map for a city.

\* **The Merced River Plan should not be used (again) as a tool to allow development plans.**

\* **The 500 pound gorilla --- the Yosemite Valley Plan.** The head of the MRP revision planning team indicated that as part of preparation for the revision of the MRP, the planning team re-read the Yosemite Valley Plan and consider it in the planning process. When a member of FoYV questioned this, it was indicated that this did not seem to be a problem. We feel it is a major problem to producing a protective River Plan. The ORVs need to come first. They need to be what forms the River Plan. The Yosemite Valley Plan and its myriad of development projects, lurking on the sidelines, should not be determining what happens in the MRP. The short term goals of previous and current administrators of Yosemite National Park to get the Yosemite Valley Plan implemented need to be set aside by the Merced River Planning Team. We trust that in your hearts and in the heart of the current Superintendent you all want to truly protect the Merced River. You can turn your back on the 500 pound gorilla, you all have the strength to do so. We are confident that you want to leave a real legacy to your children and grandchildren, that you know that public relations rhetoric is not a valued and true legacy for future generations. You will be backed up by us, by the American public who truly wants its treasure protected, by the legacy of John Muir and David Brower -- the legacy to work to truly protect and preserve. The Planning Team needs to and can rise above this pressure and do its real job -- to protect and enhance the ORVs of the Merced River.

\* **Determination of user capacity** must be built around specific defined conditions of each of the River's values as a baseline beyond which no value can be allowed to be degraded, and must be protected and enhanced. The River plan should show specifically for each river value how, where, and by what means each value (ORV) will be protected and enhanced.

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\* We, the public, need to know, and have the right to know, about the condition of each River value so, as a concerned members of the public, we can take an active role in monitoring and protecting these public values. This should be in and a part of the revised MRP.

**4) EQUITY, CAMPING, "RESTORATION":** In 1997, the National Park Service closed the Rivers and other campgrounds. **This removed 40% of the camping in Yosemite Valley.** At the same, NPS began planning a \$441,000,000 construction/pavement/development project which came to be called the Yosemite Valley Plan and included new motel buildings for Yosemite Valley. Meanwhile since 1997 more lodging has continued to be built in the Yosemite gateway communities. With this increase in nearby lodging, there is no valid reason to build new upscale lodging units in Yosemite Valley -- but that is what NPS intends, and at taxpayer expense -- in essence and reality subsidizing the private for-profit monopoly Yosemite concession with our money. (Although in the YVP, NPS defines certain lodging units they intend to build as "economy" and others as, "rustic" those descriptions do not realistically reflect that they will be higher-end, whatever their configuration, and their cost will be out of range of the average family.)

The NPS claims that it is going to "restore" the areas where it removed the campgrounds in 1997. It is not clear what the NPS plan will actually be (which should not be on the table now in any case and was not allowed to go forward by the Court until a revised valid River Plan is finished). The restoration they claim is in an area, in the invalid River Plan, designated as a high-use area they zone as "Day-Use". What is sure is that the public never had the opportunity to comment on this removal of 40% of the camping in Yosemite Valley. The revised River Plan should have an alternative that restores these 40% of camping spots removed, but not in new areas. Moving impacts into new areas is not protecting ORVs or the ecosystem. Perhaps it is some of the Lodge buildings that should be removed. Camping could be considered to be put there for example.

So this claimed "restoration" would be on the back of Yosemite Valley campers, while unnecessary upscale resort hotels are built in Yosemite Valley. This former camping area is the main "restoration" (6% of the \$441,000.00 plan) part of the Yosemite Valley Plan. Almost all of the rest of the Yosemite Valley Plan (see the YVP) is for development, construction, concession amenities, employee housing to house the additional employees needed to support this additional infrastructure and level of services (changing motel room sheets, ice cream parlors, etc). And the Valley Plan makes clear (although the NPS press releases and public materials give the opposite impression) that the \$441,000,000 plan will bring more miles of asphalt both in Yosemite Valley and in the rest of Yosemite Park. Pretty sad. However, if the River plan is a truly protective plan, this would not happen under it. This is the litmus test of the revised River Plan that NPS will put out.

Camping in Yosemite Valley directly connects visitors with the natural values for which Yosemite was saved. An upscale resort style hotel can be built anywhere and is not an appropriate use of a national treasure. Camping allows lower income and other families to enjoy Yosemite's spectacular natural values on their own terms. It allows families to bring in their own supplies, their food, their bicycles, their rafts, their children's strollers, etc. They are not dependent on the

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concessionaire.

The average family is being more and more shut out of Yosemite as Yosemite becomes more and more of a resort/Disney style destination. This is how not only the concessionaire, but also the NPS **markets** Yosemite. This is not equitable. Camping is also an important opportunity for social interaction in Yosemite which builds democracy. Lodging separates people both physically from social interactions and stratifies them economically.

**5) THE MARKETING OF YOSEMITE AND USER CAPACITY:** While the National park Service has eliminated any user capacity numbers for Yosemite, it markets Yosemite as a part of quickie all-in-one-day tour packages -- actively enticing more people to tour and impact the Park's natural values. The Park Service then claims that it has to accommodate these tourists with ever increasing amounts of, and increasingly upscaled types of accommodations.

Usually people on such tour packages spend a mere few hours in Yosemite, while leaving many dollars in the concessionaires pockets and a large impact on Yosemite's resources. Rather than taking home a priceless in-depth experience of Yosemite's natural values, they rush from spot to spot to take quick photos, purchase souvenirs, and eat. Rather than Yosemite leaving a lasting impact on them, their impact leaves a lasting impression on Yosemite.

See for example the National Park Service Press Release: "Yosemite National Park Employees Attend Travel Expo [in China] to Promote Tourism to National Parks"  
[http://www.yosemitevalley.org/HTML/Articles/2002\\_07\\_01.html](http://www.yosemitevalley.org/HTML/Articles/2002_07_01.html) (Attachment #2)

Now that the Court has ordered NPS to adequately address user capacities, how will this mesh with the concession and the NPS marketing of Yosemite? The Yosemite Valley Plan says it will accommodate the tourists as they come by building ever increasing outlying parking lots, bus systems, and a 22 bay urban style bus depot in Yosemite Valley with buses arriving in peak season every 1.4 minutes (see YVP -- yes, it's in there).

Look at the Lower Yosemite Fall project (if you can stand it). It controls tourist pedestrian traffic through a maze of split rail fencing and obtrusive stone walls. Do not deal with impacts by putting up more fences, instead the concessionaire and the National Park Service should stop marketing Yosemite as part of intensive tour packages and stop working to grow the numbers of tourists (dollars). Is this the kind of Yosemite experience you want? Separated from nature? Directed around by fencing?

Most people stay on the trails. The occasional family group or group of friends that ventures off a trail, does not degrade the values, but the NPS degrades the values through their massive construction/destruction projects. The El Portal Road widening, the unnatural grading throughout the 56 acres braided alluvial braided stream area from the ongoing Lower Fall project with the overbuilt bridges with 20' footings (inappropriate according to the NPS hydrologist in the Freedom of Information Request info we have) which will prevent natural processes (degrading the hydrologic ORV), the overbuilt bus stop in one of the most scenic areas in the world (degrading the scenic ORV), the overbuilt bathroom edifice built on top of archeologic sites

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(degrading the archeologic ORV) and a monument to disrespect, and on and on. YOSEMITE NATIONAL PARK

**6) VALLEY PLAN PROJECTS** already have been planned by the NPS based on a River Plan determined by the court to be invalid. Those projects include a myriad of interrelated plans and projects in the Yosemite Valley Plan. These plans and projects and the Yosemite Valley Plan, including plans and projects throughout the Wild and Scenic River corridor, need to be revisited and based on a valid/protective revised CMP/SEIS.

For Example:

\* **Curry Employee Dorms and Rockfall Danger:** Construction for sleeping quarters for these "lower level" employees is scheduled to begin soon. However, less than a year ago and a mere 300' from this construction area, a dangerous rockfall occurred in which rocks and boulders fell through roofs and damaged 10 inhabited duplex cabins at Curry Village, in which at least one person was almost hit. (Documented in an NPS categorical exclusion for repairs. See Attachment #2.) Perhaps the NPS planners and administrators who signed off on this plan should sleep on the top floor of these dorms? At minimum and certainly before any construction and any more planning resources are put into this project, the Valley Wall above this area needs to be thoroughly studied for rockfall potential; and the 27 planned employee dormitory buildings' area be studied for potential bounce zone.

An NPS official told a FoYV representative at one of the recent scoping meetings that NPS was surprised by the ricochet effect that took place in the Dec. '03 rockfall referred to in the previous paragraph. Does NPS really intend to let employees' be potentially surprised by this ricochet effect when they are sleeping?

\* **Before any more development is planned or construction commenced in Yosemite Valley, a rockfall/bounce zone/ blow down map of at least the Eastern portion of Yosemite Valley needs to be completed and incorporated into the River Plan for the public to see.** Perhaps the construction of the amphitheater at Glacier Point with its attendant dynamite blasting has loosened the Valley Wall in that area? Perhaps the leach field and sewage leakage problems at the Glacier Point bathrooms have loosened the Valley Wall in that area? A geologist proposed to the National Park Service to put blue dye into the Glacier Point toilets to see where the sewage water was flowing, the NPS refused to let him do that study.

\* **The Curry Employee Dorm project area** is also an important area which climbers use for bouldering, the "Root Canal" boulder is in that area. Yet NPS will destroy that opportunity if the Employee Dorms are built there. That area was undisturbed until NPS did a preemptive logging, well before any construction was scheduled to begin. The April '04 court injunction stopping tree cutting was too late for many of the trees logged to make way for the dorm construction.

\* **The Yosemite Lodge Plan** calls for new lodges in the River Corridor and plans to bulldoze and cut a new road adjacent to the River, rather than use the existing road which is away from the River. This project would degrade and destroy River ORVs. For example, it is now an easily accessible opportunity to enjoy a quiet walk along the river enjoying grazing deer and squawking

Stellar's Jays, to contemplate the River's oxbow and meander and enjoy the water plants in the River's special backwater in that area as well as wonderful solemn views of Sentinel Peak. A road with buses driving through it would destroy that area and that experience. If this project, as one Yosemite Valley Plan project example, which will be destructive of many ORVs, were to be able to move forward under a revised River Plan, that will demonstrate that the revised River Plan is not be a protective plan, that River Plan will not conform with the goals and mandates of the WSRA to protect and enhance ORVs. That would be a sad outcome of this new round of planning processes.

\* **The closures of the Upper and Lower Rivers and Group Campgrounds by NPS in 1997** was never put out for public comment. This area was subsequently "zoned" for "Day Use" in the invalid River Plan; thereby eliminating 40% of the camping in Yosemite Valley. NPS now improperly argues that it is already "zoned" for "Day Use". As a part of the Draft CMP/SEIS, the public should at last have the opportunity to consider and comment on the use of this area in at least one valid alternative.

\* **Curry Village and East Yosemite Valley Campgrounds Improvement Project** calls for more upscale lodging requiring more infrastructure and more employees (an additional 405 Park-wide). Who, in turn, require more infrastructure -- all this when more and more lodging since 1997, and almost each year since, has already been and is being built in the gateway communities outside the Park -- violating Park Service Management Policies. (In this past year, eg, many additional lodging units were built right outside the Yosemite Park boundary at the Yosemite View Lodge) The Plan calls for destroying undisturbed areas to replace a minute number of the more than 300 camping spaces closed by NPS in 1997. Instead of building new expensive resort-style hotel lodging in the Park (more profits for the concessionaire), relocate the 40% of Yosemite Valley campgrounds closed by NPS in 1997, into those "lodging" areas, changing them into camping areas. (Protective of the ORVs of the Merced and beneficial to public values and our right to experience the natural values of the River.)

"The Councils choice of alternative is Alternative I (No Action Alternative). Alternatives 2 and 3 of this project will have significant impacts to the cultural resources in the east valley area. The archeological sites, gathering sites and the village sites in this area will be disturbed forever. The Councils position on all major projects is no action." (Tribal Association, Mariposa, CA - #41) pp. E.2-12, E.2-13, Curry Village and East Yosemite Valley Campgrounds Improvement Project.

\* **"The Utility Improvement Plan will be the most destructive Project in Yosemite since the 1997 High Water Flood** and it is the responsibility of all who love Yosemite to minimize the ground disturbance and rethink where the utilities should be placed without disturbing virgin soil and riparian zones." (Tribal Organization, Mariposa, CA, Comment #7-3) p. E2-14, East Yosemite Valley Utilities Improvement Plan Environmental Assessment. Will the NPS finally listen to this wisdom?

\* **The El Portal Area Wild and Scenic River Corridor** is more important biologically than understood years ago. In addition, some River values still remain in El Portal which have been degraded or lost elsewhere along the River. These need to be protected, and many still need to be



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identified. eg, there is National Park land that is probably a pristine riverine area on the boarder of the Yosemite View Lodge, it is certainly currently undisturbed and contains a wetland area (we explored the area). (This area was shockingly almost traded off by the National Park Service in the last few years. Who knows what wildlife use this area?)

\* **The El Portal Road Segment from Pohono Bridge to the 120/140 Highway split**, (known also as, "Segment D"), saved from being destructively widened in 1999 by the Court. The River Plan must protect this area's ORVs. The only way to do that is to NOT WIDEN THE ROAD. The geologic and scientific ORV in which the "U" shaped Yosemite Valley turns into the "V" shaped Yosemite Gorge is the area with the granite wall which forms this ORV. If the road were to be widened, either that ORV would be degraded or destroyed, or the road would illegally and destructively encroach into the Merced River, and also destroy rare old Canyon Live Oaks growing along the River side of the Road. Either way, widening the road would not be protective, and in fact would be destructive.

\* **The Merced River Plan should not be used again as a tool to allow development plans.**

**7) AMEND CONCESSION SERVICES PLAN:** The Concession Services Plan (CSP) was put into place 5 years after the Merced was designated a Wild and Scenic River. However, at that time, 1992, there was **no valid legally mandated Comprehensive Plan** for the Merced River. Therefore, the Concession Service Plan, along with the General Management Plan which it amended, needs to be changed to specifically ensure protection and enhancement of the ORVs of the Merced River.

In addition, the CSP will be up for renewal and change in 2007. The River Plan is a 20 year plan. NPS should not lock in the current concession plan with its myriad of concession opportunities and amenities in this River Plan. That would be an unbelievably huge mistake. However, that is precisely what the zoning in the illegal plan does. This needs to be changed.

For Example:

\* The number of hotel units and concession eating areas may need to be reduced.

\* The Merced High Sierra Camp, which is in designated wilderness, may need to be replaced with a lower impact campground due to various impacts such as the ongoing serious bacterial water contamination in the Merced River (see nps document) from horse and stock feces.

\* The concessionaire rafting (as opposed to families/individuals bringing their own raft) may need to be discontinued due to the high impact of multiple rafts entering the river at the same point and the impact of concession diesel trucks picking up the rafts in places that would otherwise be a quiet experience, such as Sentinel Beach.

**8) A FULL RANGE OF ALTERNATIVES** must be presented to the public which REVISE the River Plan IN COMPLIANCE WITH THE ORDER FROM THE COURT to PROTECT AND ENHANCE THE MERCED RIVER'S OUTSTANDINGLY REMARKABLE VALUES with



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user capacity based on that mandated protection and with the boundaries of the El Portal Administrative District drawn to protect ORVs not merely drawn proforma, or drawn to allow predetermined developments, such as "Abbieville". We ask that these all be viable protective alternatives so the public has the opportunity to consider various valid options.

**9) ALL SCOPING COMMENTS SHOULD BE AVAILABLE TO THE PUBLIC by OCT 10, 04.** Put out a CD containing all the public scoping comments as written (not excerpts) so the public can know what others are concerned about and what ideas people put forward. We want this to be a public dialogue not a one-way street. Post the availability of this CD on the NPS Yosemite Planning web site.

**10) ACCOUNTABILITY -- OR LACK THEREOF:** So where is the accountability for the numerous plans deemed illegal in the courts? Where is the accountability for the excessive use of resources for all the over planning and over constructing that has been done and is being planned to be done in Yosemite? Where is the accountability for the close to \$100,000,000 spent by NPS since 1997 (or what is the figure?, the public would like to know how much and exactly where it was spent?) The next time NPS builds yet another building in Yosemite, it could be built by using those truck loads of trees logged by NPS in Yosemite and by and stacking the tons of planning documents generated since 1997 for the walls and structure, we would not even want to try to list those documents.

What is the purpose of having NPS officials sign off on the Record of Decisions of planning documents? We assumed it was an attempt to hold someone accountable. But we have seen no one held accountable. The more illegal and overbuild/overblown plans and projects, the higher in rank NPS planners, managers, and administrators seem to rise.

It is a serious concern that the same head of planning for the River Plan that was not protective and was declared illegal in the court, is now the head of the planning for the revised plan. A fresh look at the planning process and the management tools is needed to create a protective plan with management tools that are not made to implement Yosemite Valley Plan projects, but are made to focus on Merced River ORVs and their protection. Will that happen?

**11). General Categories of the Outstandingly Remarkable Values of the Merced River in Yosemite --** 81 miles including the Main Stem which runs from the high Sierra through Yosemite Valley, down the Merced River Gorge, and through the El Portal Administrative District; and the South Fork which runs from the high Sierra in Yosemite, and out through Wawona.

**The ORVs: biologic, scenic, geologic, scientific, cultural/archeologic, recreation, hydrologic processes.** The National Park Service has stated that by being more general in their descriptions of the ORVs they can better protect the ORVs. On the contrary, in the River Plan, NPS needs to be transparent and specific in their description and discussion of the ORVs, their locations, interactions with other animals, plants, processes, etc. The public should understand the specifics of the ORVs in order to be able to help watch and follow and participate in working towards and monitoring their protection and enhancement (Except of course archeologic sites. Although, it is the NPS itself that is creating vast amounts of disturbance and degradation of archeologic sites

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through their construction projects).

Cultural ORVs are properly those such as current ongoing Native American Gathering areas based on traditional indigenous Native American values; not every recreational activity developed in Yosemite since its inception as a National Park, nor all structures or amenities developed for visitor recreation over time.

The current data and surveys of ORVs should be a part of the River Plan, and as data is collected, it should be put up on the NPS web site. The public that loves Yosemite and appreciates the Park's special values, can be the eyes and ears that are most helpful in the Park's and ORVs' monitoring and protection. The many knowledgeable members of the public will watch and make known if an ORV is not being protected. Wouldn't the NPS want this help?

**12) AUTHENTIC/HISTORIC versus FAKE and DISNEYLAND** style simulated "historic". One of the most important historic structures in Yosemite to some members of FoYV, was the historic rock wall which was built as a double public good: 1. for society to contribute to out-of-work people in the depression by employing them through the CCC to build the rock wall along the El Portal Road in Yosemite, and 2. for those workers to contribute to society by building a rock wall which would make traveling the El Portal Road safer for visitors and built in the way of master stone masons. The NPS bashed this important historic wall to smithereens ..... and almost completely destroyed this important and irreplaceable ORV, leaving merely a small, remnant to make us mourn its loss even more.

**13) VERP:** "VERP does not address capacity. It is legally and conceptually insufficient. It is a smoke screen for dealing with user capacity." Glenn Haas, user capacity expert, Sept. 9, 2004, asked us to include this quote from him in the FoYV/MERG comments. This pretty much says it about VERP (as we refer to it, "Very Elusive Resource Protection.").

**14) CUMULATIVE IMPACTS:** There have been multiple cumulative impacts on ORVs from multiple recent Yosemite National Park projects and planned additional projects with additional cumulative impacts. For example, cumulative impacts from the El Portal Rd widening project which violated the WSRA in multiple ways including putting rip rap into the Merced River, bashing down bat roosting trees, destroying habitat for multiple creatures, destruction of most of the threatened Tompkins Sedge along the 4 mile project area, opening multiple disturbed areas for the invasive yellow star thistle to have a corridor to invade Yosemite Valley, etc.

Since hardly any impact from any project that NPS has designed and signed off on for Yosemite has any impacts determined other than, "No Significant Impact"; How many, "No Significant Impacts" make up a cumulative impact? We ask NPS to answer this question specifically for all and every part of the revised CMP, how each management element relates to this, and how specifically user capacity relates to this issue and to each and all specific ORVs in every River segment and area. We ask NPS to answer this question specifically for all and every part of each plan and project in the Yosemite Valley Plan which is reliant upon or tiered to the Merced River Plan.

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Thank you,

Attachments mailed to PO Box 577 on Sept. 10, 2004, to be included as a part of our scoping comments:

1) Rockfall Categorical Exclusion, p. 1-6, <

[http://www.nps.gov/yose/planning/documents/catex/2004/2004\\_052.pdf](http://www.nps.gov/yose/planning/documents/catex/2004/2004_052.pdf)>

[http://www.nps.gov/yose/planning/documents/catex/2004/2004\\_052.pdf](http://www.nps.gov/yose/planning/documents/catex/2004/2004_052.pdf)

2) Yosemite National Park News Release, July 1, 2002, "Yosemite National Park Employees Attend Travel Expo to Promote Tourism to National Parks

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***Friends of Yosemite Valley***

*Sept 10, 2004*

Superintendent Michael Tollefson  
Attn: Revised Merced River Plan/SEIS  
PO Box 577  
Yosemite, CA 95389

Re: Enclosed please find two Attachments (of 1 page each) for FoYV/MERG Scoping comments for the Revised Merced River Plan/SEIS.

These attachments are to be attached to and considered part of the FoYV/MERG Scoping comments for the Revised Merced River Plan/SEIS. These two attachments are also intended to be included in the CD we request you make available by Oct 10, 2004, to the public of all the public comments you receive on these scoping comments, as we requested in our comments.

You will receive the rest of our scoping comments by e-mail and/or Fax on Sept. 10, 2004.

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Thank you.

\_\_\_\_\_  
Friends of Yosemite Valley

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**PRESERVATION ASSESSMENT FORM (YOSE-XXX)**

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**A. DESCRIPTION OF UNDERTAKING**

**Project Title:** Y4-0428 Curry Village- Repair Bath Cabin Rock Fall Damage

**Project Manager:** Marty Nielson/Bill Hunsaker

**Start Date:** 12/25/2003

**Completion Date:** 8/31/2004

**Location:** Yosemite Valley

**Description:**

Repair damage to structures in Curry Village caused by falling rocks. Majority of damage was restricted to roof holes and broken windows, but some damage was done to single rooms that bathroom fixtures, electrical fixtures, and floor and wall damage. Work will replace damaged members with in-kind materials in all locations.

**Attachments:**

☐ Drawings ☐ Maps ☐ Specifications ☐ Photographs ☐ Site Plan

Other:

**B. DESCRIPTION OF EFFECTS**

**1. Has the area of potential effects been surveyed to identify cultural resources?**

☒ Yes ☐ No

**Reference:** Curry Village Historic Site Nomination Form; Yosemite Valley Historic District Nomination Form; Yosemite Valley Archaeological District Nomination Form; Site Record for CA-MRP-0753/H.

☒ **Check here if known cultural resources will be affected**

If the area has been disturbed in the past, please attach additional sheets to describe the nature, extent, and intensity of disturbance

**2. Affected Resource(s):**

Camp Curry Duplex Cabins w/Baths: 90A/B LCS#204177; 60A/B #250129; 63A/B #250206; 64A/B #250232; 80A/B # 250354; 72A/B #250389; 73A/B #250405; 74A/B #250421; 80A/B #250540; 90A/B250740.  
Site Record for CA-MRP-0753/H.

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**National Park Service**  
**U.S. Department of the Interior**

Yosemite National Park  
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YOSEMITE NATIONAL PARK

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## Yosemite National Park News Release

July 1, 2002  
For Immediate Release

### Yosemite National Park Employees Attend Travel Expo to Promote Tourism to National Parks

Yosemite National Park employees Calvin Liu and Mary Kline attended the 16th annual International Travel Expo in Hong Kong from May 30-June 2, 2002 in an effort to promote visitation to National Parks, including Yosemite within the Asian market.

The National Park Service International Tourism Department chose this international trade show with 450 exhibitors from over 50 countries to reach the Asian tourists and various National Tourism Organizations. Liu and Kline were among National Park Service field staff familiar with western parks the Asian markets are most likely to visit.

The timing for this travel expo could not have been better. According to the World Travel and Tourism Council Tourism Satellite Accounts, a tourism economic research groups, "the tourism industry in the Asia Pacific region has suffered badly due to the global impact of 9/11... but the industry expects to rebound in 2003 with massive growth rate of 6%, after a year of stabilization and recovery in 2002."

The first two days of the show were open to travel vendors, travel associations, and trade experts. Conversations on these days centered on developing tourism packages that involved travel to a US city with a large airport and National Parks within one day's travel of that city.

Yosemite National Park, Sequoia and King Canyon National Park, and Golden Gate National Recreation Area were recommended for visitors arriving in San Francisco. Yosemite National Park, Sequoia and King Canyon, Death Valley, and Joshua Tree National Parks were options for visitors arriving in Los Angeles.

The second two days were open to the general public and questions were usually about specific parks, again focusing on travel to parks closest to large airports and public transportation by rail or bus. Accurate information on public transportation, lodging options around parks, the best times of year to visit each park (for waterfalls, weather, crowds, etc.) were among the issues addressed. Approximately 40,000 people visited the show over the 4 days.

-NPS-

#### EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

But, as we have thought about user capacity in particular, we find it so intertwined with so many aspects of Park management as to make it impossible to consider it in isolation. How can you not consider how user capacity relates to the Outstandingly Remarkable Values, the River Protection Overlay, and the management zoning program? Yet you have said you will not "revisit" any of these.

We urge you to reconsider your approach to this. We request that you engage in a process which will result in an excellent plan, rather than one intended merely narrowly to satisfy a Court, meanwhile leaving the Merced River and its environs poorly managed and poorly protected.

The two parts mentioned above follow.

#### PART ONE

1.) These comments are provided to enhance the process of addressing user capacity within the Supplemental EIS for the Merced Wild and Scenic River Comprehensive Management Plan.

2.) After reviewing the document titled "User Capacity Management Program for the Merced Wild and Scenic River Corridor (NPS February 2004)", and other web-based information developed for scoping for the supplemental EIS, we conclude there are serious flaws with the document and with the process the NPS proposes to use to address user capacity.

3.) ISSUE: YOSEMITE'S BASIC PLANNING DOCUMENT FOR ADDRESSING USER CAPACITY IS SERIOUSLY FLAWED.

"User Capacity Management Program for the Merced Wild and Scenic River Corridor" (NPS February 2004) is too long for the average concerned citizen, and is filled with extraneous information that confuses the issue.

As an example, the Best Management practices (pp. 13-19) should be deleted as they have nothing to do with user capacity and these seven pages simply serve to overwhelm the general reader. Additionally, the NPS should note many of the BMPs have no substance due to non-committal wording (e.g., avoid adverse effects to special-status species when practicable; to avoid conflicts with nesting birds, construction activities within nesting habitat could occur outside the breeding season).

4.) ISSUE: YOSEMITE VALLEY IS SUFFERING A SLOW DEATH DUE TO OVERCROWDING AND YOSEMITE'S BASIC PLANNING DOCUMENT FOR ADDRESSING USER CAPACITY WILL NOT REMEDY THIS SITUATION.

The size and extraneous information in the User Capacity document could be construed as a smokescreen to distract people from the fact that natural resources, and Outstandingly Remarkable Values of the Merced Wild and Scenic River within Yosemite National Park (particularly Yosemite Valley) have been, and are continuing to be, degraded from overuse by humans. Yosemite Valley is suffering a slow ecological death due to too much use. The visitor's experience in Yosemite Valley on almost any summer day is characterized by litter, exhaust fumes, noise, pavement, too many vehicles, overcrowding, dirty facilities, long lines for food service, and too few opportunities to interact with rangers.

5.) ISSUE: DETERMINING HOW BEST TO PROTECT RESOURCES AND VISITOR EXPERIENCE FROM DEGRADATION ALONG THE MERCED RIVER IN YOSEMITE NATIONAL PARK DEMANDS MORE TIME AND OUTSIDE EXPERTISE THAN THE NPS IS GIVING IT. A MULTI-DISCIPLINARY TEAM OF GOVERNMENT AND NON-GOVERNMENT EXPERTS SHOULD BE CONVENED.

In the User Capacity document (p. 2) the NPS implies that it has been applying the nine elements of the VERP framework since 2000. To the best



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of our knowledge there was no serious discussion of indicators, standards, monitoring, or management actions (all of which are the crux of VERP) until late in 2003. We believe an issue as critical as determining how best to protect resources and visitor experience from degradation along the Merced River in Yosemite National Park demands a great deal of time, thought, and effort. We request that the NPS convene a multidisciplinary team of natural and cultural resource experts and social scientists with expertise in recreation issues and user capacity to meet numerous times over several years to develop a framework for addressing user capacity. We recommend this team be made up of employees from NPS, other federal, state, and local agencies, NGOs such as The Nature Conservancy, university professors, and others from the private sector. Such an approach would ensure the process is well-grounded in science and would buy a great deal of credibility for the program. Pg 3

6.) ISSUE: THE USER CAPACITY DOCUMENT (p. 1) ERRONEOUSLY STATES THAT THE PARK HAS "AN ELABORATE NETWORK OF PROTECTION AND ENHANCEMENT FOR THE OUTSTANDINGLY REMARKABLE VALUES OF THE MERCED WILD AND SCENIC RIVER CORRIDOR." IF THIS STATEMENT WERE TRUE, THE RESOURCES OF YOSEMITE VALLEY WOULD NOT BE IN THE STATE OF GRADUAL DETERIORATION WE SEE TODAY. THE NPS MUST COME UP WITH A BETTER PLAN.

The User Capacity document (p. 1) states that the park has "an elaborate network of protection and enhancement for the Outstandingly Remarkable Values of the Merced Wild and Scenic River corridor." This network includes government mandates, facility limits, wilderness capacities, management zoning, VERP, and other specific legislation and programs. Let's examine this list.

7.) In spite of government mandates that should be followed, and a finite number of facilities existing in developed areas, the condition of resources along the river (and in much of Yosemite Valley) continue to suffer the impacts of visitors.

8.) Wilderness capacities are wonderful, and have served to protect much of Yosemite's backcountry because they manage the number of visitors and types of use. Capacities (finite numbers) should be set for Yosemite Valley and other park areas that are subject to resource damage from too many visitors, just as capacities are set for Wilderness.

9.) ISSUE: PROTECTION OF OUTSTANDINGLY REMARKABLE VALUES REQUIRES REZONING TO CRITERIA OF DESIRED CONDITIONS, NOT EXISTING CONDITIONS.

Management zoning in the Merced River Comprehensive Management Plan did little more than adopt the uses and desired conditions that already were present in most areas along the river. Much damage to resources already has occurred, and these zones will do little to remedy this problem.

10.) ISSUE: YOSEMITE'S VERP PROGRAM MUST BE STRENGTHENED

VERP, as proposed, has no substance. In the User Capacity document (p. 2) the NPS implies it has been applying the nine elements of the VERP framework since 2000. In reality Yosemite's VERP program has been in the planning stages for less than one year, and reflects a slapped together program that will not protect resources in any way, shape, or form.

11.) The first five "indicators" relate to wilderness and backcountry areas---areas that already are subject to use limits. Yes, these areas should be, and already are, subject to monitoring. Their inclusion in this VERP document gives the reader the false impression that this is something new.

12.) ISSUE - SOCIAL TRAILS INDICATOR IS BASED ON SOMEONE'S SUBJECTIVE

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DECISION THAT THE NUMBER AND LENGTH OF SUCH TRAILS AS THEY EXISTED IN 1990 WAS ACCEPTABLE. MORE WORK SHOULD BE DONE TO ESTABLISH THE NUMBER AND LENGTH OF TRAILS THAT TRULY IS ACCEPTABLE, AND THIS SHOULD BE BASED ON BOTH RESOURCE VALUES AND AESTHETICS.

Regarding the remaining five "indicators" - the first two assume that the number of social trails, and the length of such trails in wetlands, cannot exceed the number and length of such trails as existed in 1990. Why is 1990 used as the baseline for social trails? Was the number and length of social trails existing in 1990 somehow deemed "acceptable?" By what standards? Perhaps there already were too many trails that were too long in 1990. This indicator should not be limited to wetlands, but should include all habitat types.

13.) ISSUE: NUMBER OF SOCIAL TRAILS INDICATOR IS ALMOST MEANINGLESS AS IT APPLIES TO VERY FEW AREAS. The document (P. 55) states: "The Open Space and Undeveloped Open Space zones (2A and 2A+) include the relatively inaccessible and undisturbed canyon rims and walls along the gorge of the main stem of the Merced River and below Wawona along the South Fork of the Merced River. In addition, the fen near Happy Isles and Wosky Pond below El Capitan are included in Zone 2A. These areas receive limited use associated primarily with access to climbing routes."

14.) ISSUE: MANAGEMENT ACTIONS SUGGESTED IN THE DOCUMENT WILL NOT PROTECT ORVS, OR AT TOO HIGH A COST.

Example on Page 55, section on Potential Options for Management Action, the document states, "Educational signs to direct visitors away from an affected area might be an alternative if impacts from use become too high. A natural rock barrier along the road at Wosky pond could prevent cars from nearing the pond and could reduce the number of inadvertent visitors seeking to walk in the area." Is this ugly row of boulders henceforward to be in the foreground of the view? Or are we to tell visitors that they no longer are allowed to look at this world-famous view?

15.) ISSUE: STANDARDS FOR RIVER BANK EROSION NEED TO BE COMMUNICATED TO THE PUBLIC AND NEED TO BE SUBJECT TO PEER REVIEW BY BOTH GOVERNMENTAL AND NON-GOVERNMENTAL EXPERTS. ALSO THERE IS NO INDICATION THAT ANY OF THE STANDARDS ARE BASED IN SCIENTIFIC DATA. STANDARDS FOR PROTECTING NATURAL RESOURCES IN MERCED RIVER ORVS IN PERPETUITY MUST BE GROUNDED IN SCIENCE. The indicator related to riverbank erosion is good, however, there are some potential problems with its application. Page 60 states, "Preliminary standards for river bank erosion that is accelerated or caused by visitor use were established based on the best professional judgment of staff scientists and restoration specialists. These standards will be reassessed and modified if needed following the first season of baseline data collection." What are the standards? We would like to know how condition classes will be determined. How will ecological impacts of riverbank erosion be quantified to ensure resources are protected? This is an example of where we feel technical peer-review is required. If scientific data are not available for establishment of standards, studies to acquire such data must be pursued.

16.) Page 60 states, "Once baseline data have been collected for all erosion sites, detailed methodology will be developed for long-term monitoring of the sites. This will include determination of which sites will be monitored, data to be collected during monitoring, and frequency of monitoring. Monitoring sites will be located outside of designated trails and campsites." When will this information be available to review?

17.) ISSUE: THE EXPOSED TREE ROOTS INDICATOR IS MEANINGLESS AND MONEY COULD BE BETTER SPENT ELSEWHERE IN THE VERP PROGRAM.

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The exposed tree roots indicator is meaningless in Yosemite Valley campgrounds. The campgrounds are so degraded, denuded of vegetation, and otherwise altered from decades of use, that they are really sacrificial areas. We suggest saving the money it would take to count tree roots and apply the dollars to monitoring areas that still have relatively intact resources.

18.) ISSUE: NPS MUST CLARIFY WATER QUALITY STANDARDS AND DEVELOP A PEER-REVIEWED MONITORING PLAN. THE EXISTING STANDARD IS UNLIKELY TO PROTECT WATER QUALITY. THE EXISTING STANDARD ALSO IS UNLIKELY TO PROTECT AQUATIC ORGANISMS. HOW WILL THE NPS ENSURE PROTECTION OF AQUATIC ORGANISMS? Water quality indicators and standards are essential to the program, but we have some questions regarding the standard. "Anti-degradation means that water quality would remain un-impacted by human (and vehicular) use as compared to baseline (existing) conditions. To establish a baseline may require three to ten years of sampling (to achieve statistically valid results)." Does this mean that if the water quality is bad at Swinging Bridge in August in years that the baseline is measured, e.g., 2004, that it will be ok for it to be equally bad every August? How will you determine an unimpacted baseline in Yosemite Valley if all water is contaminated by existing uses? Better to develop a standard based on upstream water quality (above Little Yosemite Valley). We would like to see the monitoring plan for water quality.

19.) It is important to note that the "safe" levels of fecal coliform only relate to human health, and will not necessarily protect other organisms (e.g., aquatic invertebrates). How does the NPS propose to ensure long-term viability of aquatic organisms?

20.) ISSUE: THE LIST OF PROPOSED INDICATORS AND STANDARDS IS TOO LIMITED TO ADEQUATELY PROTECT MERCED RIVER ORVS. THERE ARE NO PROPOSED INDICATORS AND STANDARDS RELATED TO VEGETATION LOSS AND ALTERATION, WILDLIFE HEALTH, AIR QUALITY, ETC. (SEE LIST BELOW)

We feel the NPS MUST include indicators for vegetation and wildlife health (e.g., bird species diversity, aquatic invertebrate diversity, plant species composition, non-native species...numbers of species and their range), for air quality, for natural quiet, natural soundscapes, numbers of piles of human excrement per linear foot of river bank, numbers of cars parked outside of sanctioned parking spaces.

21.) ISSUE: THE DOCUMENT CONTAINS NO INDICATORS AND STANDARDS RELATED TO CROWDING IN THE FRONT COUNTRY.

22.) ISSUE: THE DOCUMENT DOES NOT LINK TO THE NPS ORGANIC ACT'S REQUIRED LACK OF IMPAIRMENT.

To effectively protect the values of the Merced River, we feel the NPS needs to define the term "impairment" as used in the National Parks Organic Act of 1916. Above all else, the service must preserve and protect the park's natural and cultural resources while providing for the enjoyment and education of park visitors "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." It seems the user capacity concept is intimately linked to this concept of impairment, and if impairment could be defined, this would provide the basis for standards for resource and visitor experience protection.

23.a.) ISSUE: THE NPS ALREADY HAS ESTABLISHED USER CAPACITIES FOR DIFFERENT AREAS OF THE PARK IN THE SUPERINTENDENT'S COMPENDIUM AND IN THE GENERAL MANAGEMENT PLAN OF 1980, BUT IS NOT ADHERING TO THEM.

23.b.) ISSUE: WHY NOT?

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24.) The User Capacity document (p. 12) cites the Superintendent's compendium, which states these capacities for Yosemite Valley:

"Visitors may enter Yosemite Valley until westbound traffic is backed up from Lower Yosemite Fall to Curry Village Four-Way intersection, or all day-use parking spaces have been filled, and/or the 18,000 person capacity (per General Management Plan) has been reached. This restriction on inbound traffic may be necessary to prevent a traffic gridlock and to ensure that emergency vehicles will have access to all parts of the Valley. The General Management Plan established a daily limit of 18,241 for valley visitation. Uncontrolled traffic leads to pedestrian accidents, vehicle conflicts, and severe damage to the resources from vehicles parked where they should not be parked, destruction of view sheds because of uncontrolled parking, etc."

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25.) Although the NPS seems to recognize the problems with uncontrolled traffic and visitation, and has established provisions for limiting day use in the compendium, for the past several years, no visitor has been turned away, even on busy holiday weekends, when cars were parked on bike paths, on road shoulders, and partially in meadows, and traffic jams were hideous.

Why has nothing been done?

26.a.) Page 20 of the User Capacity document states "The Yosemite Valley Plan will

achieve General Management Plan use levels and protect the Merced River corridor by reducing overnight facilities and relocating them away from the River Protection Overlay and other sensitive resource areas, thereby protecting Outstandingly Remarkable Values." The NPS should not rely on implementation of the Yosemite Valley Plan either to meet GMP use levels or to protect Yosemite Valley resources, as full implementation of the plan is unlikely ever to occur due to the infeasibility of developing the day use transportation system prescribed by the plan. Where will the out-of-valley parking be sited? It is not feasible at the locations stipulated in the Valley Plan. And the Valley Plan does not make any pretense at dealing with excessive numbers of day-use visitors.

26.b.) ISSUE: THE MRP REVISION MUST ADDRESS THESE PROBLEMS SINCE THE VALLEY PLAN DOES NOT. THE VALLEY PLAN WILL THEN NEED TO BE REVISED TO MAKE IT CONSISTENT WITH A LEGAL MRP.

27.) The YVP states overnight visitation is expected to be 5,389 per day (7,711 in GMP); day-use visitation is expected to be 12,852 people per day (10,530 in GMP).

28.) ISSUE: THE NPS DOES NOT EVEN APPEAR TO BE CONSIDERING REGULATION OF DAY USE IN YOSEMITE VALLEY, WHICH WOULD BE A FIRST STEP IN ENSURING LONG-TERM PRESERVATION OF MERCED RIVER ORVS.

According to the User Capacity document, the wilderness user capacity program has been extremely well-supported by both park management and wilderness users, and is often held up as an example of science-based and defensible management practices in wilderness management. Why can't the NPS adopt a similar process for non-Wilderness portions of the park, including Yosemite Valley?

29.) ISSUE: THE NPS MUST PROVIDE MUCH MORE EXTENSIVE DETAIL ON MONITORING METHODS FOR EACH INDICATOR THAT WILL BE USED, AND BE MUCH MORE DEFINITIVE ABOUT MANAGEMENT ACTIONS THAT WOULD BE TAKEN IF STANDARDS ARE EXCEEDED. THE LEVEL OF DETAIL PROVIDED IN THE USER CAPACITY DOCUMENT DOES NOT ALLOW THE READER TO ASSESS ADEQUACY OF THE PROGRAM.

Page 43 - "Each set of the following standards and indicators includes a

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description of some of the methods and techniques that might be used during monitoring, along with examples of options for potential management actions." The NPS must be more definitive in explaining in detail all of the monitoring methods for each indicator that will be used, and be much more definitive about the management actions that would be taken if standards are exceeded. 887

30.) ISSUE: PRELIMINARY PLANS FOR MONITORING PROGRAMS SHOULD BE DEVELOPED AS SOON AS POSSIBLE AND THEY SHOULD THEN BE PROVIDED FOR PUBLIC REVIEW. THE NPS SHOULD NOT DEVELOP A DRAFT SUPPLEMENTAL EIS WITHOUT PROVIDING FOR A GREAT DEAL OF PUBLIC INPUT INTO THE PROCESS.

Page 44 states "For those programs that do not have monitoring programs in place, they will be developed this spring and implementation will begin this summer. Detailed monitoring plans will ensure that data are properly collected and will minimize the potential for misinterpretations and other errors. These technical plans will describe how, where, and when each indicator in each zone will be monitored." We would like to see these plans as soon as possible.

31.) ISSUE: TO PROTECT ORVS, THE NPS NEEDS TO DO THE FOLLOWING:

1. COMPLY WITH EXISTING GMP VISITATION NUMBERS
2. ADJUST THOSE GMP NUMBERS DOWNWARD TO CONFORM WITH EXISTING OVERNIGHT FACILITIES AND LEGITIMATE, PAVED PARKING SPACES
3. ESTABLISH A PEER-REVIEWED SET OF DESIRED FUTURE CONDITIONS FOR BOTH RESOURCES AND VISITOR EXPERIENCES WITHIN THE RIVER CORRIDOR (independent of existing MRP zoning).
4. DEVELOP A SCIENTIFICALLY CREDIBLE SET OF INDICATORS AND STANDARDS TO DETERMINE WHETHER NUMBERS OF PEOPLE AND PATTERNS OF USE ARE CONTINUING TO DEGRADE RESOURCES AND VISITOR EXPERIENCES, OR ARE ALLOWING CONDITIONS TO IMPROVE TOWARD THE DESIRED SET OF CONDITIONS ESTABLISHED IN #3 ABOVE. THE NPS'S OBJECTIVE SHOULD BE AN OVERALL IMPROVEMENT OF CONDITIONS IN THE MERCED RIVER CORRIDOR.

32.) To minimally protect the Merced River and its Outstandingly Remarkable Values, the NPS first must immediately adopt and enforce the visitation/use goals set forth for Yosemite Valley in Yosemite's 1980 General Management Plan. Secondly, within the next year, park staff should re-visit those numbers and adjust them downward to conform with 2004 numbers of campsites, lodging, and day use parking (the GMP numbers were larger than Yosemite Valley can accommodate today as these facilities have since been reduced).

Third, over the next two years, park staff should develop a much stronger VERP monitoring program that has an ecological foundation and that reflects more extensive research into visitor experience. If the number of visitors is not managed, and the proposed VERP program is pursued as is, the ecological deterioration of Yosemite Valley, and the ongoing degradation of the quality of the experience provided to visitors will continue unabated.

33.) ISSUE: THE NPS MUST DEMONSTRATE (IN WRITING) A MUCH GREATER LEVEL OF COMMITMENT TO PROTECTING MERCED RIVER ORVS.

Finally, the NPS's commitment to using VERP to protect resources and visitor's experiences from too much or from inappropriate use by humans also must be strengthened. In the words of Yosemite Superintendent Mike Tollefson in the letter introducing the User Capacity document, "If a standard is reached or exceeded, management action can be taken." CAN be taken? This leaves all decisions about whether or not to protect resources to the full discretion of park managers and shows no real commitment to the program. The desired word is "shall" or "will".

PART TWO

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PURPOSE OF MERCED RIVER PLAN REVISION  
(As identified by the National Park Service.)

1. Adequately address user capacity,
2. Properly draw the corridor boundaries in El Portal, and
3. Amend the General Management Plan (GMP).

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The 1980 GMP was a good plan. The vision it embodied has been weakened by subsequent amendments. The revised Merced River Plan (MRP) should strengthen the 1980 vision, not continue with further weakening amendments. I.e. If there are to be amendments, they should enhance protection of the Outstandingly Remarkable Values (ORV's), not weaken the protections.

Specifically, this process should address the damage done to the GMP by the Concession Services Plan, and rectify it.

Also, this process should address the weakening of the GMP which the Yosemite Valley Plan (YVP) brought about through its abandonment of the GMP's introduction of the concept that it is possible to have too many people in the Valley. That was a breakthrough in Yosemite Valley planning. That progressive insight should be brought back through the present process by embedding it into the revised Merced River Plan. Failure to do so probably would put the Park Service into conflict with the direction the Court gave it.

The Yosemite Valley Plan, which came out in draft form before the National Park Service (NPS) could even begin to digest the public comments on the draft MRP, clearly drove the original MRP process.

Aside from anecdotal evidence that the MRP planners had copies of the draft YVP on their desks, the YVP influence is clearly shown in the two failures identified by the Court: (1.) Inadequately addressing user capacity, and (2.) Improperly drawing the boundaries in El Portal.

Set the Valley Plan aside, plan how to protect the Merced River's ORV's, then come back later and make the Valley Plan consistent with a legally compliant revised MRP.

#### USER CAPACITY

The NPS is avoiding dealing with a number, especially the number which was stipulated in the 1980 GMP. (10,530 overnight, 7,711 day use = 18,241 total)

Issue: Address the need to stipulate a number.

Issue: Address what to do if the number is exceeded.

Issue: Address how the number is calculated. It should include everyone who is in the Valley in one day. That would include residents as well as non-residents, NPS as well as concessionaire, delivery people, service people, etc.

Issue: Address whether it makes sense to limit people by reducing the number of visitors, as the 1980 GMP seems to call for. Can number of people per day be reduced by limiting employees, including all those who provide the infrastructure to support the operations? Can the number of



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employees be reduced by limiting the operations which are conducted in the Valley?

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Issue: Does it make sense to have bus mechanics or judges (or any type of service/support/administrative personnel) working in the Valley if it means keeping visitors out?

Issue: The 1980 GMP said accesss would be restricted if capacities are exceeded. At the same time, it said day-use would not be limited. This seeming inconsistency should be addressed. Was it envisioned that overnight use would be reduced in order to avoid limiting day-use? If so, how far would this process be taken? What happens when there is no overnight use, and there are still unacceptable impacts from huge numbers of day-users? The massive increase in day use IS the problem.

Issue: Should "user" be defined as anyone who is in the Valley for whatever purpose? Everyone has an impact, some more so than others. Should not everyone be taken into account in determining impacts? The FedEx driver, the cook, the ranger (interpretive or enforcement), administrators, the future world-famous photographer...all have impacts which should be take into account.

Issue: Limitations on use may be determined by budgetary constraints. At present there is insufficient law enforcement, litter cannot be picked up, bathrooms cannot be kept clean. Does this indicate that we are already exceeding the capacity of the Valley?

Issue: Especially by late summer, the Valley tends to be dusty, vegetation is missing or trampled, litter and toilet paper abound, the river is probably polluted (but we don't know because we don't measure at Swinging Bridge on 4th of July weekend, as we should) and showing other signs of over-use. Are we not already exceeding the capacity of the Valley?

#### ASPHALTIC PRODUCTS

ISSUE: Determine whether the use of asphaltic products (pavement) in the Merced River corridor is acceptable. This is related to the user capacity issue because more people usually means more pavement. If there is a problem with asphalt, then one way of addressing that would be to avoid the perceived need for asphalt.

We trust that these comments will prove useful to you, and we thank you for listening.

Sincerely,